

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65144 of 2021**

Arising Out of PS. Case No.-612 Year-2021 Thana- BARACHATTI District- Gaya

SARASWATI DEVI W/o- SAHDEO CHAUDHARY Resident of Village-
Bhaluwahi, Police Station- Mohanpur Bodh- Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Chandra Mohan Jha, Advocate

For the Opposite Party/s : Ms Rita Verma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Barachatti (Mohanpur)
Police Station (for brevity, PS) Case No 612 of 2021 registered
for the offence punishable under Section 30 (a) of Bihar
Prohibition and Excise Act.

Since 04.10.2021, petitioner (female) is in custody on
alleged recovery of 5 liters of country made liquor from a bag
which she was carrying.

Petitioner's counsel submits that it is a case of false
implication. The seizure is not in accordance with law and that
the petitioner is on bail in Barachatti (Mohanpur) PS Case No



32 of 2020. Investigation is also stated to be complete.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, quantum of liquor, viewed with the period of custody in background and also the fact that the petitioner is a female, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Gaya in Barachatti (Mohanpur) PS Case No 612 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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